

Town of Sterling
SPECIAL TOWN MEETING MINUTES

(1) Wednesday Nov. 12, 2014 at 7pm
Sterling Energy (pipeline article)

(2) Wednesday Nov. 12, 2014 at 8pm

Approved by Attorney General Jan 13, 2015
Uploaded to the website on Nov 19, 2014

A true copy

Attest: _____
Dawn E. Michanowicz, Town Clerk

Town of Sterling
Special Town Meeting(s) November 12, 2014

At 7:00pm on Wednesday, November 12, 2014, the Town Moderator, Dick Sheppard called to order the Special Town Meeting held in the Chocksett School on Boutelle Road in said Town of Sterling. The following 1 article was voted in a legal manner. There was a quorum present; 146 voters attended the meeting.

The following tellers were appointed by the Moderator and sworn in by the Town Clerk:

Barbara Bartlett, 152 Princeton Road
Robert Protano, 372 Redemption Rock Trail
Gary Menin, 8 Birch Drive
Jo-Ann Cummings, 115 Princeton Road

All non-voters or non-residents of the Town were asked to stand, to be recognized by the Moderator:

Fred Aponte, Town Accountant
Anne Cervantes, Town Treasurer/Collector
Ken Cleveland, THE CLINTON ITEM
Sean Hamilton, Superintendent Light Department
John Lebeaux, Interim Town Administrator
Dawn Michanowicz, Town Clerk
Jeanne Survell, Assistant Town Clerk

Moderator, Dick Sheppard, noted the receipt of the posting of the Warrant for the Special Town Meeting by Constable, Mike Pineo.

MOTION MADE TO WAIVE THE READING OF THE WARRANT
MOTION PASSED UNANIMOUSLY

ARTICLE 1. Creation of a Sterling Municipal Light and Gas Department

To see if the Town will vote to authorize the creation and operation of a municipal gas plant as allowed by Massachusetts General Laws, Chapter 164, Sec. 36, **[MGL Ch164:36]** and place such municipal gas plant under the authority of the Sterling Municipal Light Department Board. Upon such authorization, the municipal gas plant shall be combined with the Sterling Municipal Light Department to form the Sterling Municipal Light & Gas Department, which shall do business as "Energy Sterling".

Submitted by: Sterling Municipal Light Department Board

Recommendation: The Sterling Municipal Light Department Board recommends this article.

Board of Selectmen: No position taken.

Summary: The SMLD has been exploring the possibility of bringing natural gas to the Town of Sterling. The first formal step in this process is to be legally designated as the utility of record and franchise holder for gas distribution within the Town. This process involves having Town voters approve the above article at two (2) separate Special Town Meetings (STM) held at least two (2) months apart, but not more than thirteen months (13) apart. The first STM was held on December 16, 2013, and the article passed with an 87% vote in favor.

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A **YES** vote at this second meeting shows that the Town is interested in having us move forward with the planning process. It also gives us the legal right to negotiate contracts and terms that are in the best interests of the residents and businesses of Sterling. A yes vote **does not commit us** to following through with construction in the unlikely event that it is determined that the project is not financially or practically feasible.

During this complex planning and negotiation process, we will work with gas suppliers, legislators, regulators, vendors, customers, and financial partners to plan more detailed budgets, construction and operation plans, and project timelines.

If it's determined that's the most beneficial option is to transfer the gas franchise rights to another entity either in part or in full, the Light Board will have the legal right to negotiate the most preferable terms for the people of Sterling.

A **NO** vote would indicate that residents of Sterling **do not want natural gas** throughout the Town and would effectively end the SMLD's efforts to do so. If this article fails to pass, the process cannot be presented again for at least two years.

At 7:04 Discussion ensued on Article 1 with slide show presentation.

**MOTION MADE at 8:04pm to recess the Special Town Meeting until 8:06pm
MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**MOTION MADE at 8:05pm to open the second Special Town Meeting and continue to a time certain of 8:25pm
MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

At 8:06 pm RETURNED TO FIRST SPECIAL TOWN MEETING

**MOTION MADE at 8:23pm to MOVE THE QUESTION
MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

REQUIRES 2/3 VOTE

MOTION MADE as printed in the Warrant.

BALLOTS WERE CAST AND MOTION PASSED BY 2/3 VOTE: 100 YES 29 NO

THIS SPECIAL TOWN MEETING ADJOURNED AT 8:50pm.

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At 8:04pm on Wednesday, November 12, 2014, the Town Moderator, Richard Sheppard called to order the **second Special Town Meeting** held in the Chocksett School on Boutelle Road in said Town of Sterling to recess to a time certain of 8:25pm. At 8:55pm the Special Town Meeting commenced. The following 5 articles were voted in a legal manner. There was a quorum present; 142 voters attended the meeting.

The following tellers were appointed by the Moderator and sworn in by the Town Clerk:

Barbara Bartlett, 152 Princeton Road
Robert Protano, 372 Redemption Rock Trail
Gary Menin, 8 Birch Drive
Jo-Ann Cummings, 115 Princeton Road

All non-voters or non-residents of the Town were asked to stand, to be recognized by the Moderator:

Fred Aponte, Town Accountant
Anne Cervantes, Town Treasurer/Collector
Ken Cleveland, THE CLINTON ITEM
Sean Hamilton, Superintendent Light Department
John Lebeaux, Interim Town Administrator
Dawn Michanowicz, Town Clerk
Jeanne Survell, Assistant Town Clerk

Moderator, Richard Sheppard, noted the receipt of the posting of the second Warrant for this Special Town Meeting by Constable, Mike Pineo.

MOTION MADE TO WAIVE THE READING OF THIS WARRANT
MOTION PASSED UNANIMOUSLY

ARTICLE 1. Transfer Free Cash to Capital Investment Fund

To see if the Town will vote to transfer a sum of money from Free Cash to the Capital Investment Fund, as allowed by the bylaws of Sterling; or take any action relative thereto.

Submitted by: The Finance Committee

Recommendation: The Finance Committee and Capital Committee will report at the Special Town Meeting on this article.

Board of Selectmen: No position taken

Summary: This article transfers funds from an available fund, Free Cash, to the Capital Investment Fund.

MOTION MADE to postpone indefinitely passed by majority vote.

ARTICLE 2. Increase Library Wages

To see if the Town will vote to transfer from available funds, the sum of \$1,420.00 to increase wages in the Conant Library wage line item account to *fully fund* the Town of Sterling Compensation Plan voted at the May 3, 2014 Annual Town Meeting; or take any action relative thereto.

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Submitted by: Library Trustees

Recommendation: The Finance Committee supports this article

Board of Selectmen: No position taken

Summary: This article corrects an error in the Town of Sterling 2015 Budget, as voted at the May 3, 2014 Annual Town Meeting, where the numbers for the “wages requested” and “wages approved” were transposed in the printed/adopted budget.

REQUIRES 2/3 VOTE

MOTION MADE to transfer from the Stabilization Fund the sum of \$1,420 to increase the wages in the Conant Library wage line item account to fully fund the Town of Sterling Compensation Plan voted at the May 3, 2014 Annual Town Meeting.

MOTION PASSED BY 2/3rds VOTE AS DECLARED BY THE MODERATOR

ARTICLE 3. Procure New Financial and Accounting Software and Computer Systems

To see if the Town will vote to transfer from available funds, a sum of money to pay for a new, integrated treasury, tax collection, and accounting software system, and to procure the technology hardware and local operating systems on which to operate this system; or take any action relative thereto.

Submitted by: Town Administrator/Board of Selectmen, Town Treasurer, Town Accountant.

Recommendation: The Finance Committee will report at Special Town Meeting on this article.

Board of Selectmen: No position taken

Summary: The current tax and fee collection system, treasury cash management system, and accounting system are at the end of their useful life, and will not be supported by the software vendor as of June 30, 2015. The Town needs a modern, integrated software system to track expenditures, collections, and accounts in order to assure transparency and improved efficiency in financial operations.

REQUIRES 2/3 VOTE

MOTION MADE to transfer from the amount appropriated under Article 11 of the May 3, 2014 Annual Town Meeting, WRSD Above Net Minimum Contribution, the sum of \$90,000 for the purchase and installation of a new integrated treasury, tax collection, and accounting software system, and to purchase and install the technology hardware and local operating systems on which to operate the new software.

MOTION PASSED BY 2/3rds VOTE AS DECLARED BY THE MODERATOR

ARTICLE 4. Town Bylaw Amendment Banning Public Meetings on Election Day

To see if the Town will vote to amend Sterling General Bylaws, Chapter 180 Section 13, by inserting the words in italics (below), so that the bylaw will now read, “All town boards, commissions, committees, etc. are prohibited from holding public meetings on the day of **any election and** any Special or Annual Sterling Town Meeting later than one hour prior to the start of said Town Meeting except for meetings made necessary for consideration of matters before the Town Meeting and which are held at the time and place of said Town Meeting,.” or take any action relative thereto.

Submitted by: Town Clerk

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Recommendation: The Board of Selectmen recommends this article.

Summary: The Attorney General of the Commonwealth has recommended that Town's NOT hold public meetings on Election Day, in order to assure that voters are not excluded from the fullest possible participation in the democratic electoral process.

MOTION MADE to amend Sterling General Bylaws, Chapter 180 Section 13, by inserting the words "any state or municipal primary, election or caucus" so that the bylaw will read: "All town boards, commissions, committees, etc. are prohibited from holding public meetings on the day of **any state or municipal primary, election or caucus, and** any Special or Annual Sterling Town Meeting later than one hour prior to the start of said Town Meeting except for meetings made necessary for consideration of matters before the Town Meeting and which are held at the time and place of said Town Meeting.

MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 5. Nitrogen Loading Permit Request

To see if the Town will vote to authorize the Board of Selectmen and the Conservation Commission to implement Grants of Title 5 Nitrogen Loading Restrictions and Easements on and over two parcels of land under the care and custody of the Town of Sterling Conservation Commission identified as follows: (1) a certain parcel of land located in the Town of Sterling, Worcester County, Massachusetts, constituting approximately 10.21 acres, being more particularly shown as Lot 2 on a plan of land in Sterling, Mass. prepared for Donald J. Blanchflower and Richard C. Blanchflower dated September, 1997 by David E. Ross Associates, Inc., Civil Engineers, a copy of which is recorded in the Worcester County Registry of Deeds at Plan Book 722, Plan No. 24, and (2) a certain parcel of land located in the Town of Sterling, Worcester County, Massachusetts, constituting approximately 17.22 acres, being more particularly shown as parcel B on a certain plan entitled "Plan of Land in Sterling, Mass owned by Stonegate Village LLC, scale 1"=60' prepared by Thomas Land Surveyors & Engineering Consultants" dated April 24, 2007, a copy of which is recorded in the Worcester County Registry of Deeds at Plan Book 862, Plan No. 54, for the purpose of implementing a Nitrogen Loading Facility Aggregation Plan approved by the Town of Sterling Board of Health and the Massachusetts Department of Environmental Protection on terms and conditions deemed to be in the best interest of the Town, and further to authorize the Board of Selectmen to file a Petition with the General Court under Article 97 of the Declaration of Rights to permit such grants for the above-identified conservation land and further to authorize Town Officials to take any action necessary to implement this Article; or take any action relative thereto.

Submitted by: Conservation Commission/Board of Selectmen

Recommendation: The Conservation Commission and the Board of Selectmen support this article.

Summary: This article creates a nitrogen loading permit for residents of Patriot's Way in order to bring them into compliance with Massachusetts DEP Title V septic requirements.

MOTION MADE as printed in the Warrant

MOTION PASSED BY 2/3rd VOTE AS DECLARED BY THE MODERATOR

AT 9:35pm MOTION MADE TO DISSOLVE THIS SPECIAL TOWN MEETING - PASSED UNANIMOUSLY